

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHOUR KASTIRO, et al.,

Plaintiffs,

v.

SERRA MEDICAL TRANSPORTATION
INC, et al.,

Defendants.

Case No. [15-cv-00622-JSC](#)

**ORDER REGARDING FURTHER
BRIEFING ON DEFENDANTS'
SUMMARY JUDGMENT MOTION**

Dkt. No. 41

This is a Fair Labor Standards Act (“FLSA”) and California state law wage and hour putative class action. Now pending before the Court is Defendants’ motion for partial summary judgment on their statute of limitations affirmative defense. (Dkt. No. 41.) As discussed in open court on March 10, 2016, summary judgment is granted on the following claims:

- the 5th Claim for relief as to Plaintiffs Kastiro, Natsheh, and Almeshamedawy,
- the 7th Claim for Relief as to Plaintiff Almeshamedawy,
- the 9th Claim for Relief in its entirety, and
- the 10th Claim for Relief in its entirety.

Also as discussed at the March 10 hearing, the Court directs the parties to file supplemental briefing on the following issues:

1. If tolling arises from the pendency of the *Al Lahham* action, what is the scope of any such tolling, including whether the *Al Lahham* action would toll Plaintiffs’ claims arising from work as taxi cab drivers in addition to work providing medical transportation. The parties should also address whether the scope of such tolling differs for federal and state claims.

2. Whether *American Pipe* or any other tolling doctrine applies to the FLSA claims of Plaintiffs Kastiro, Natsheh, and Almeshamedawy, and if tolling applies, whether it applies to

claims brought individually and/or on behalf of a class.

3. Whether California's *American Pipe* tolling doctrine requires the Court to consider the elements of equitable tolling in deciding whether *American Pipe* tolling applies.

4. Whether California's equitable tolling doctrine on its own (that is, without *American Pipe* tolling) tolls claims brought on behalf of a class or only just individual claims.

5. Whether California *American Pipe* tolling applies to California claims brought in a California federal court and then subsequently brought again in California federal court (the cross-jurisdictional issue).

Plaintiffs shall file their brief on or before March 24, 2016 and Defendants' response is due April 7, 2016. The Court will hold a further hearing on April 21, 2016 at 9:00 a.m. in Courtroom F, 450 Golden Gate Ave., San Francisco, CA.

IT IS SO ORDERED.

Dated: March 10, 2016


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

United States District Court
Northern District of California